

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 17-26-RGA
	:	
KEITH L. CAMPBELL,	:	
	:	
Defendant.	:	

ORDER DENYING SUPPRESSION

At the conclusion of the recent suppression hearing, I gave Defendant an opportunity to brief the issue whether the FBI agent's request for a good will gesture made the resulting statement involuntary. (D.I. 73 at 86-88). The FBI agent did not coerce the statement. The interview was short; it was occurring at Defendant's request; Defendant was an adult with experience with the criminal justice system; the FBI agent did not make any express statement that what Defendant said would be off-the-record; the FBI agent did not use any relationship with Defendant to obtain the statement; indeed, the FBI agent did not make any misleading statement to Defendant. The FBI agent did not make any statement to Defendant that sounded like a promise of immunity, use immunity, or anything similar. Nor did the FBI agent imply that the statement was immunized or otherwise off-the-record. The FBI agent did not promise or imply any leniency.

Thus, under the totality of the circumstances, I do not think there was any coercion. *See United States v. Walton*, 10 F.3d 1024, 1032 (3d Cir. 1993).

I acknowledge that the FBI agent certainly believed that the statement would not be used against Defendant. I do not think the agent's subjective belief by itself makes any difference.

Thus, the statement at issue is admissible at the trial on Monday.

IT IS SO ORDERED this 17 day of August 2018.


United States District Judge